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#4

PATENT  
Docket No. 485772003300

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

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Assistant Commissioner for Patents, Washington, D.C. 20231, on 5-13-02.

Rhea Amid

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Mark G. ERLANDER et al.

Serial No.: 10/080,435

Filing Date: February 22, 2002

For: QUANTITATIVE  
IMMUNOHISTOCHEMISTRY (QIHC)

Examiner: To Be Selected

Group Art Unit: 1645

**REQUEST FOR A CORRECTED FILING RECEIPT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please furnish the undersigned with a corrected Filing Receipt for the above-identified application. The correction needed is as follows:

**UNDER APPLICANTS:**

Please replace Inventor James L. Wittliff's state of residence to - **KY** (Kentucky)-- .

A copy of the marked-up Filing Receipt is attached.


In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of

such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952, referencing Docket No. 485772003300**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

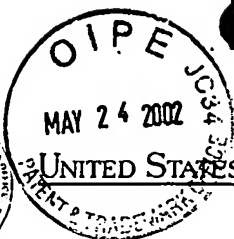
Respectfully submitted,

Dated: 5/13/02

By: \_\_\_\_\_

  
Kawai Lau  
Registration No. (44,461)

Morrison & Foerster LLP  
3811 Valley Centre Drive - Suite 300  
San Diego, California 92130-2332  
Telephone: (858) 720-5178  
Facsimile: (858) 720-5125



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/080,435	02/22/2002	1645	370	485772003300	3	20	1

CONFIRMATION NO. 8216

**FILING RECEIPT**



\*OC000000007653138\*

Kawai Lau  
Morrison & Foerster LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, CA 92130-2332

Date Mailed: 03/15/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Mark G. Erlander, Encinitas, CA;  
Ranelle C. Salunga, San Diego, CA;  
Kimberly Stecker, Carlsbad, CA;  
James L. Wittliff, Louisville, KY

**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/314,697 08/23/2001  
AND CLAIMS BENEFIT OF 60/271,344 02/22/2001

**Foreign Applications**

If Required, Foreign Filing License Granted 03/13/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

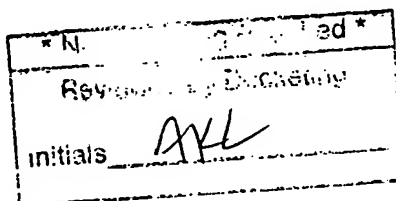
Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

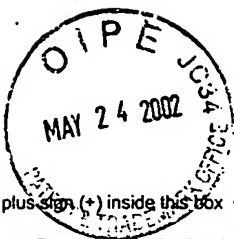
Quantitative immunohistochemistry (QIHC)



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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>Application Number</b>	10/080,435		
	<b>Filing Date</b>	FEBRUARY 22, 2002	
	<b>First Named Inventor</b>	Mark G. ERLANDER, et al	
	<b>Group Art Unit</b>	1645	
	<b>Examiner Name</b>	To be assigned	
<b>Total Number Of Pages In This Submission</b>		<b>Attorney Docket No.</b>	485772003300

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Copy of Notice to File Missing Parts Request for Corrected Filing Receipt, 2 pgs; Redmarked Copy of Filing Receipt, 1 pg Return postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		



25225

PATENT TRADEMARK OFFICE

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Kawai Lau, Reg. No. 44,481 Morrison & Foerster LLP 3811 Valley Centre Drive - Suite 500 San Diego, CA 92130
Signature	
Date	5/13/02

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

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Rhea Amid

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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PTO/SB/17 (09-00)  
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# FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual revision.

**Complete if Known**

Application Number	10/080,435
Filing Date	FEBRUARY 22, 2002
First Named Inventor	Mark G. ERLANDER, et al
Examiner Name	TO BE ASSIGNED
Group Art Unit	1645
Attorney Docket No.	485772003300

**TOTAL AMOUNT OF PAYMENT**

**(\$)** 370.00

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: **03-1952, ref. 485772003300**

Deposit Account Name: **Morrison & Foerster LLP**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)** (\$)-0-

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
20	-20** =	x \$9 =	\$-0-
1	-3** =	x 42 =	\$-0-
Multiple Dependent = \$			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)-0-

\*\* or number previously paid, if greater; For reissues, see above.

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 65

**SUBMITTED BY**

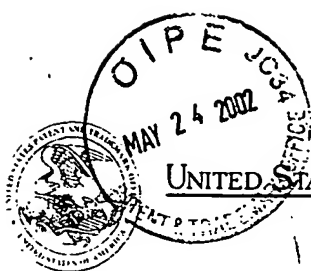
Name (Print/Type)	Kawai Lau	Registration No. (Attorney/Agent)	(44,461)	Telephone	(858) 720-5178
Signature		Date	5/13/02		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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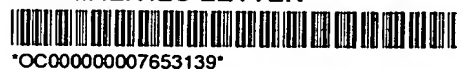
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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/080,435	02/22/2002	Mark G. Erlander	485772003300

CONFIRMATION NO. 8216

FORMALITIES LETTER



\*OC00000007653139\*

Kawai Lau  
Morrison & Foerster LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, CA 92130-2332

Date Mailed: 03/15/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

*Tedw*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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PATENT  
Docket No. 485772003300

### COMBINED DECLARATION AND POWER OF ATTORNEY FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: QUANTITATIVE IMMUNOHISTOCHEMISTRY (QIHC), the specification of which is attached hereto unless the following box is checked:

☒ was filed on February 22, 2002 as United States Application Serial No. 10/080,435 and identified as attorney docket number 485772003300.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/271,344	2-22-2001
60/314,697	8-23-2001

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to

patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
*		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Lisa A. Amii (Reg No. 48,199)	Randolph Ted Apple (Reg No. 36,429)
Mehran Arjomand (Reg No. 48,231)	Laurie A. Axford (Reg No. 35,053)
Sanjay S. Bagade (Reg No. 42,280)	Erwin J. Basinski (Reg No. 34,773)
Shantanu Basu (Reg No. 43,318)	Richard R. Batt (Reg No. 43,485)
Vincent J. Belusko (Reg No. 30,820)	Jonathan Bockman (Reg No. 45,640)
Kimberly A. Bolin (Reg No. 44,546)	Barry E. Bretschneider (Reg No. 28,055)
Tyler S. Brown (Reg No. 36,465)	Nicholas Buffinger (Reg No. 39,124)
A. Randall Camacho (Reg No. 46,595)	Mark R. Carter (Reg No. 39,131)
Robert K. Cerpa (Reg No. 39,933)	Peng Chen (Reg No. 43,543)
Alex Chartove (Reg No. 31,942)	Thomas Chuang (Reg No. 44,616)
Thomas E. Ciotti (Reg No. 21,013)	Cara M. Coburn (Reg No. 46,631)
Matthew M. D'Amore (Reg No. 42,457)	Raj S. Davé (Reg No. 42,465)
Peter Davis (Reg No. 36,119)	David Devernore (Reg No. P-50,128)
Karen B. Dow (Reg No. 29,684)	Stephen C. Durant (Reg No. 31,506)
Carolyn A. Favorito (Reg No. 39,183)	David L. Fehrman (Reg No. 28,600)
Hector Gallegos (Reg No. 40,614)	Thomas George (Reg No. 45,740)
Deborah S. Gladstein (Reg No. 43,636)	Debra J. Glaister (Reg No. 33,888)
Kenneth R. Glick (Reg No. 28,612)	Bruce D. Grant (Reg No. 47,608)
Johney U. Han (Reg No. 45,565)	Douglas G. Hodder (Reg No. 41,840)
Alan S. Hodes (Reg No. 38,185)	Charles D. Holland (Reg No. 35,196)
Kelvan P. Howard (Reg No. P48,999)	Jill A. Jacobson (Reg No. 40,030)
Wayne Jaeschke, Jr. (Reg No. 38,503)	Madeline I. Johnston (Reg No. 36,174)
Parisa Jorjani (Reg No. 46,813)	Ararat Kapouytian (Reg No. 40,044)
Richard C. Kim (Reg No. 40,046)	Cameron A. King (Reg No. 41,897)
Lawrence B. Kong (Reg No. P49,043)	Kawai Lau (Reg No. 44,461)
Glenn Kubota (Reg No. 44,197)	Rimas T. Lukas (Reg No. 46,451)
Michael J. Mauriel (Reg No. 44,226)	Gladys H. Monroy (Reg No. 32,430)
Philip A. Morin (Reg No. P-45,926)	Kate H. Murashige (Reg No. 29,959)
Mabel Ng (Reg No. P48,922)	Martin M. Noonan (Reg No. 44,264)
Catherine M. Polizzi (Reg No. 40,130)	Phillip Reilly (Reg No. 41,415)
Robert E. Scheid (Reg. No. 42,126)	Debra A. Shetka (Reg No. 33,309)
Terri Shieh-Newton (Reg No. 47,081)	Kevin R. Spivak (Reg No. 43,148)
Stanley H. Thompson (Reg No. 45,160)	Thomas L. Treffert (Reg No. P48,279)
Brenda J. Wallach (Reg No. 45,193)	Michael R. Ward (Reg No. 38,651)
E. Thomas Wheelock (Reg No. 28,825)	Todd W. Wight (Reg No. 45,218)
Eric Witt (Reg No. 44,408)	Frank Wu (Reg No. 41,386)
David T. Yang (Reg No. 44,415)	Peter J. Yim (Reg No. 44,417)
George C. Yu (Reg No. 44,418)	Karen R. Zachow (Reg No. 46,332)



Please direct all communications to:


Kawai Lau  
Morrison & Foerster LLP  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332

Please direct all telephone calls to Kawai Lau at (858) 720-5178.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

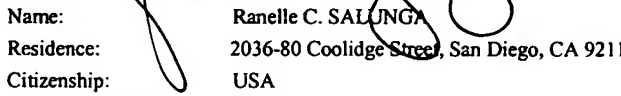
4/9/02

Date

  
Name: Mark G. ERLANDER  
Residence: 442 Hillcrest Drive, Encinitas, CA 92024  
Citizenship: USA  
Post Office Address: Same

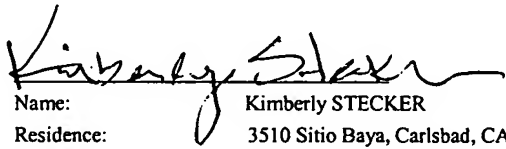
4/9/02

Date


  
Name: Ranelle C. SALUNGA  
Residence: 2036-80 Coolidge Street, San Diego, CA 92111  
Citizenship: USA  
Post Office Address: Same

4/9/02

Date

  
Name: Kimberly STECKER  
Residence: 3510 Sitio Baya, Carlsbad, CA 92009  
Citizenship: USA  
Post Office Address: Same

Date

  
Name: James L. WITTLIFF  
Residence: 1011 Glenbrook Road, Louisville, KY 40223-2211  
Citizenship: USA  
Post Office Address: Same